

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	Docket No.: 1:20-CR-239-TSE-2
v.)	
)	Hon. T. S. Ellis, III
EL SHAFEE ELSHEIKH)	
)	Pre-Trial Hearings November 16-18, 2021
Defendant.)	

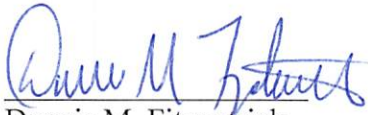
STIPULATION


The parties stipulate and agree that Government Exhibit 9-1* is an accurate printout of an electronic chat that occurred on February 9, 2018 between 13:51:03 and 13:56:22 with DoD Individual 1 and DoD Individual 2. The defendant filed an unclassified version of the first page to this chat as Exhibit 14 to his classified *Memorandum in Support of Motion to Suppress Statements* filed on October 1, 2021. The unclassified first page is also identified as Govt Ex. 9-1a. The parties stipulate and agree that these records may be received as evidence and made part of the record in this case.

DoD Individual 1 and DoD Individual 2 were both analysts assigned to the Collection Management Troop at Fort Bragg, North Carolina, in February 2018. DoD Individual 1 was the Officer in Charge. DoD Individual 2 held a rank of CW2. The analyst position at this time assessed Tactical Interrogation Reports (TIRs) produced in combat areas in support of theater operations and interrogations. If called to testify at a hearing in this matter, DoD Individual 2 would confirm that she used the word "torturing" in a chat with DoD individual 1 as reflected in the defense and government exhibits. If DoD Individual 2 is asked about her use of this language, she would

*Identifies a classified document.

explain, "I was just bullshitting with a friend." DoD Individual 1 would testify that he did not respond to DoD Individual 2's use of that word. Rather, he simply questioned how many TIRs had been produced for the "Beatles" so he could respond to others who were making inquiries about the TIRs with him. Neither DoD Individual 1 nor DoD Individual 2 have any knowledge of any torturing or mistreatment in SDF prison facilities in Syria. Neither has ever travelled or been assigned to work within Syria or Iraq.


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